

# LOUISIANA STATE MANAGEMENT PLAN

## SECTION 5310

### CAPITAL ASSISTANCE PROGRAM FOR ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PROGRAM



STATE OF LOUISIANA  
Bobby Jindal, Governor

DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT  
Sherri LeBas, P.E., Secretary

PUBLIC TRANSPORTATION SECTION  
Donna Lavigne, Administrator

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# STATE MANAGEMENT PLAN - 49 U.S.C. - §5310 PROGRAM

## ***INTRODUCTION***

Section 5310 of the United States Code provides assistance in meeting the special transportation needs of elderly individuals and individuals with disabilities. Section 5310 funds are apportioned among the states by a formula which is based on the number of elderly individuals and individuals with disabilities in each state according to the latest available U.S. Census. The Section 5310 program is designed to supplement the Federal Transit Administration's other capital assistance programs by funding transportation projects for elderly individuals and individuals with disabilities in urbanized, small urban, and rural areas.

In Louisiana, the Department of Transportation and Development, Public Transportation Section, has been designated by the Governor as the grantee for Section 5310 funds. The Department of Transportation and Development applies annually to the Federal Transit Administration for Louisiana's apportionment on behalf of eligible recipients within the state and administers the Section 5310 program.

The purpose of this State Management Plan is two-fold:

- to comply with U.S. Department of Transportation, Federal Transit Administration, requirements and
- to describe Louisiana's existing Section 5310 program policies, procedures and practices, and administrative requirements.

The state management plan is both a compliance document and an informational document.

The U.S. Department of Transportation, Federal Transit Administration, requires Louisiana, as a condition for receiving financial assistance, to have an approved state management plan on file with the Federal Transit Administration's Regional VI Office in Arlington, Texas. The regulations cited in Federal Transit Administration's Circular 9070.1F also require Louisiana to update the state management plan regularly and to incorporate changes in program management or new requirements. By structuring and presenting the overall management approach to the Section 5310 program, the state management plan is a comprehensive reference for program participants, program recipients and other interested parties.

## **1. PROGRAM GOALS AND OBJECTIVES**

Louisiana shares the FTA-defined Section 5310 program goal which is to provide assistance in meeting the special transportation needs of elderly individuals and individuals with disabilities. The program seeks to enhance coordination of state and federally assisted programs and services in order to encourage the most efficient use of resources and achieve the national goal of improved mobility for elderly individuals and individuals with disabilities.

### **1.1 State Management Philosophy**

Transportation is a fundamental need in today's society. People depend on transportation, in one form or another, to access economic opportunities, goods and services or to fulfill social desires and obligations. Transportation is the linkage connecting diverse sets of elements within contemporary society.

People's access to private and public transportation alternatives in Louisiana is variable and dependent upon a number of factors two of which are age and disability. The underlying philosophy associated with the Section 5310 program administered by the Public Transportation Section, Department of Transportation and Development, is to diligently foster and apply resources to meet the transportation needs of elderly individuals and individuals with disabilities. This philosophy is being executed through policy which ties the distribution of available resources to documented need in coordinated and well-managed public transportation systems.

### **1.2 Long-term Goal Development Process**

The Department of Transportation and Development sponsors the Annual Public Transportation Conference which is held for the benefit of Federal Transit Administration program recipients and other parties interested in public transportation in Louisiana. One session, open to anyone registered with the conference, addresses short-term and long-term goals. Session participants provide their insight into the formulation of DOTD goals for transportation services to elderly individuals and individuals with disabilities.

## 2. ROLES AND RESPONSIBILITIES

### 2.1 Designated Lead Agency

The Louisiana Department of Transportation and Development (DOTD) has been designated by the Governor as the state agency authorized to receive and administer Federal funds under provisions of the Section 5310 program. The Public Transportation Section has been delegated with the responsibility to administer and manage the Section 5310 program. Within the DOTD various entities (e.g., Financial Services, Audit and Evaluation, Legal, Safety, Grants Management, Project Control, Equipment, Purchasing, Public Affairs, and Consultant Contract Services) are actively involved in discharging the administrative responsibilities connected with the program.

### 2.2 Roles and Responsibilities

Louisiana Department of Transportation and Development, Public Transportation Section (DOTD) has the principal authority and responsibility for administering the Section 5310 program. DOTD is responsible for:

1. notifying eligible local entities of the availability of the program;
2. developing project selection criteria;
3. determining applicant eligibility;
4. selecting projects for funding; and
5. ensuring adherence to Federal program guidelines by all recipients.

Each eligible applicant must apply directly to the DOTD for assistance under this program. The DOTD applies to FTA for these funds on behalf of these applicant organizations within the state.

In addition to sending announcement letters to all existing Section 5310 recipients and other parties who have contacted DOTD regarding the Section 5310 program, the DOTD issues a statewide news release announcing the availability of Section 5310 funds. This announcement process occurs during the last half of every calendar year. Applications are mailed to interested transportation providers upon receipt of a letter of intent to apply for funds. DOTD also posts information such as Applications, Manuals, State Management Plans, newsletters, Transit Resource Guide, etc. on the Public Transportation webpage (<http://www.dotd.louisiana.gov/intermodal/transit/>).

### Other State Agencies

Two other state agencies are directly involved with the Section 5310 process. These are the Division of Administration and the Department of Public Safety and Corrections. The Division of Administration is involved in the procurement process through a review of purchase requisitions and oversight of the solicitation of bids. The Department of Public Safety and Corrections works with the Louisiana DOTD to prepare licenses and titles for all vehicles purchased through the program. Other state agencies serve on the review board as listed below.

### Review Board

A Review Committee of representatives from several appropriate agencies reviews, evaluates, and scores applications utilizing a point system. The Review Committee is comprised of the DOTD Section 5310 Program Manager, the DOTD Section 5311 Program Manager or designee and representatives designated by the respective departmental Secretaries or Chief Executive Officers from the following state agencies:

- a. Governor's Office of Elderly Affairs
- b. Department of Social Services, (2 Representatives)
- c. Department of Health and Hospitals, ( 2 Representatives)
- d. Department of Labor
- e. Governor's Office of Disabilities Affairs

### Local Governments, Private Providers, Local Applicants

Local government in urbanized areas participate in the review and planning of Section 5310 projects through participation with the metropolitan planning organizations (MPO's). This process has been established to assure maximum efficiency and utilization through existing providers and to anticipate long term needs. These projects are incorporated into the Transportation Improvement Plan for the urbanized area, and the Coordinated Public Transit-Human Services Transportation Plan for the planning area, and the Annual Report. Private providers may participate in the process or provision of service through participation with the MPO or directly through agreements or understandings with the applicant organization.

### 3. ELIGIBILITY CRITERIA

#### 3.1 Eligible Recipients

Section 5310 of the United States Code authorizes the Secretary of Transportation to make grants to:

- a. private nonprofit organizations. A nonprofit organization is a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. §501© which is exempt from taxation under 26 U.S.C. §501(a) or one which has been determined under state law to be nonprofit and for which the Louisiana Department of Transportation and Development has received documentation certifying the status of the nonprofit organization;
- b. public bodies which certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service ; or
- c. public bodies approved by the Public Transportation Section, Louisiana Department of Transportation and Development to coordinate services for elderly individuals and individuals with disabilities.

State eligibility requirements follow regulations recommended by FTA Circular 9070.1F.

#### 3.2 Project Notification/Coordination of Services/Certification Process

The notification process allows DOTD's Public Transportation Section to make the required FTA certifications that existing elderly and disabled transportation is unavailable, insufficient, or inappropriate to meet the needs of the local area, and that other elderly and disabled transportation providers have been afforded a fair and timely opportunity to participate in planning and operating the proposed service. The process also allows DOTD Public Transportation Section to make the required certification to FTA that every effort is being made to provide coordination of transportation services to the maximum extent possible.

The notification process requires **all applicants** to publish two (2) public notices (at 15 day intervals) in a general circulation newspaper(s) inviting interested transportation provider(s) within the service area to comment on the transportation proposal within 15 days. A certified copy of each public notice placed in the official local newspaper(s) must be included with the application. **Additionally, the following requirements apply to public bodies.**



Public bodies applying for Section 5310 funding under the "not readily available criteria" must submit a written certification that there are no nonprofit organizations readily available in their area to provide Section 5310 service. This certification may be submitted after efforts have been made to contact all existing transportation providers in the area by mail and by complying with the above public notice process. All efforts to solicit service must be documented and included with the certification. In addition, the public body applicants must afford an adequate opportunity for a public hearing.

Public bodies will be considered for **designation as Coordinators of Services** if the following criteria are met:

- a. the public body is currently receiving Section 5307 or Section 5311 assistance to operate a public transportation system;
- b. activity reports from the existing agencies indicate a need for better utilization of vehicles;
- c. two or more agencies in the service area are currently providing transportation to elderly individuals and individuals with disabilities; and
- d. the public body has the capability to coordinate public transportation services within the geographic area of service.

The public body applying for Coordinator of Services designation from DOTD shall submit a written request demonstrating compliance with the criteria. Also, in order to determine if there are any objections to this designation, the public body will be required to contact all existing providers by mail and publish two public notices in the official local newspaper. DOTD will require copies of this documentation along with the request for designation. A recommendation to either approve or disapprove the request for designation as a Coordinator of Services shall be prepared by the DOTD Section 5310 Program Manager for consideration by the DOTD Public Transportation Administrator following an evaluation of the documentation from the public body.

## 4. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

### 4.1 State Policies on Local Share

Funding to eligible local recipients for capital expenses to support the provision of transportation services to meet the special needs of elderly individuals and individuals with disabilities is limited to:

- the acquisition of buses, vans or other paratransit vehicles; security equipment; and fare boxes which meet DOTD specifications.

DOTD has identified vehicles which can best meet the requirements of transportation operations for elderly individuals and individuals with disabilities. These specifications are listed in the Section 5310 Application Procedures Manual (Appendix A).

Not more than 80% of approved capital expense applications for the acquisition of buses, vans, other paratransit vehicles, security equipment or fare boxes can be financed with Section 5310 funds, and the local recipient must provide the balance in cash (Table 1).

Not more than 90% of approved capital expense applications for acquisition of eligible vehicle-related equipment required by the Clean Air Act Amendments of 1990 (CAAA) or the Americans with Disabilities Act of 1990 (ADA) can be financed with Section 5310 funds. Only the incremental cost of the equipment required by the ADA or CAAA may be funded at 90%, not the entire cost of the vehicle. The local recipient must provide the balance in cash.

The Department of Transportation and Development is eligible to apply for capital expense funds for vehicle procurement, testing, inspection and acceptance cost. Up to 80% of the cost for such capital expense shall be derived from Section 5310 funds.

Up to \$25,000 or 10% of Louisiana's total Federal fund apportionment, whichever is greater, may be used by the Department of Transportation and Development for program administrative cost. Eligible program administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. The Federal share for the total program administrative cost shall not exceed 80%.

Louisiana's Section 5310 program does not provide funding for the following capital expenses: radios and communication equipment; vehicle shelters; purchase of service contracts; vehicle rehabilitation; microcomputer hardware or software; other durable goods such as spare components or parts with a unit cost over \$300 and useful life of more than one year; initial installation cost; separate units of wheelchair lifts and restraints and lease of equipment.

Table 1. Section 5310 Funding Allocation, Eligible Expenses, Availability and Match Requirements.

<u>Allocation</u>	<u>Assistance Category</u>	<u>Eligible Expense</u>	<u>Eligibility</u>		<u>Max. Sec. 5310 Funds</u>
			<u>Local</u>	<u>State</u>	
Not less than 90% of annual Federal apportionment	Capital Expense	buses, vans, paratransit vehicles, security equipment, fare boxes	Yes	Yes	80%
		CAAA or ADA required equipment	Yes	Yes	90%
		vehicle procurement, testing, inspection and acceptance costs	No	Yes	80%
Not more than 10% or \$25,000 whichever is greater	Program administration	eligible program administrative costs	No	Yes	80%

#### 4.2 State Programs that Provide Matching Funds for Section 5310

No state programs are designated as match for Section 5310 funds. State funding to local government under the Parish Transportation Fund may be used as local match. There is no preclusion from using state funds as local match.

## 5. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

### 5.1 State's Criteria for Selecting Projects and Distributing Funds

The criteria for scoring and subsequent ranking of applications depend heavily on:

- a. Extent and urgency of local need and extent to which the project will comply with federal regulations concerning Civil Rights requirements.
- b. Coordination and cooperation among local organizations and existing transit and paratransit operators.
- c. Vehicle utilization, ridership projection, and trip purposes.
- d. Technical capacity, financial and management capabilities particularly in assuring capital match and operating funds, and maintenance capabilities for the life of the vehicle.
- e. Quality and thoroughness of operating plan.

The 5310 Program manager evaluates technical capacity using criteria such as staffing levels, staff training and experience, level of documentation of procedures, ability to submit required reports correctly and on time, ability to maintain project equipment and ability to comply with FTA and state requirements. The 5310 program manager ensures that subrecipients have the required technical capacity through pre-award site visits, grant application, scheduled site visits, annual questionnaires, and it builds technical capacity through training programs provided during the year.

A Review Committee of representatives from several appropriate agencies reviews, evaluates, and scores applications utilizing a point system. The total points scored will determine the application's ranking. For agencies already participating in the Section 5310 program, DOTD has the option of deducting points from the total score for habitual late monthly reporting.

Each application is independently scored by each Review Committee member. In addition to assigning a numerical score, Review Committee members are encouraged to make recommendations and suggestions regarding the applications under consideration.

The individual scores assigned by the Review Committee members to an application are summed to produce a total score for the application. A list is compiled consisting of the numerical ranking of applications beginning with the highest score. Only applications with a total score which is at

least 60% of the maximum possible total score are considered for funding.

The Section 5310 Program Manager notifies the applicant of the Review Committee's recommendation for funding. Funds are distributed among the ranked applicants beginning with the highest score based on recommendations of the Review Committee.

## 5.2 Explanation of Policy Rationale and Methods

The five criteria listed in 5.1 for scoring and ranking applications were developed to address requirements of the Section 5310 program and to reflect the Section 5310 program goals. The policy and methods used in selecting the agencies to be funded are based on guidance from the Section 5310 regulations and prior program experiences. The intent is to involve a diverse group of qualified professionals in the application review process, to formulate and apply standard criteria against which all applicants are scored by a common set of reviewers, to formulate a justifiable recommendation commensurate with the documented need, and to establish a minimum threshold reflective of acceptable project merit.

The Review Committee is comprised of representatives from agencies which administer programs intended to serve the collective needs of elderly individuals and individuals with disabilities. A standard scoring criteria is employed by all Review Committee members (see Appendix C). Each Review Committee member independently evaluates each application.

The shared professional experience and insight of the Review Committee members is applied to assess justifiable transportation needs. The diverse background of Review Committee members also affords the insight into the capability of applicants to meet those needs based on prior experiences.

A total score is calculated for each application by summing the scores given to the application by the Review Committee members. The applications are then listed in rank order based on the total score. Only applications which have a total score which is at least 60% of the maximum total score (a perfect score) are given funding consideration. Applications which do not score at least 60% are considered insufficient to merit funding for one or more reasons.

## 5.3 State's Procedures for Assuring Equity of Distribution of Benefits

The Louisiana Department of Transportation and Development, Public Transportation Section, relies on the diversity of programs and groups represented by the Review Committee to assure equity of distribution of funds as required by Title VI. This board is a broad representation of

elderly and disabled interest groups within the state. The Review Committee is comprised of members listed on Page 4 "Review Board". Projects are scored and ranked according to the criteria listed in Section 5.1.

## **6. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS**

### **6.1 State's Process for Soliciting, Reviewing, and Approving Applications for Local Projects**

The Louisiana Department of Transportation and Development utilizes direct mail and news releases to solicit applications from eligible applicants. In mid August, the DOTD notifies existing Section 5310 recipients and other interested parties who have contacted DOTD during the previous twelve months on the anticipated availability of program funds via mail. A news release publicizing the anticipated availability of program funds is prepared by the Section 5310 Program Manager and distributed to the news media by the DOTD Public Relations Section.

A Review Committee comprised of representatives from several appropriate agencies review, evaluate and score applications utilizing a point system. The total points scored will determine the application's ranking. Only applications with a total score which is at least 60% of the maximum possible total score are considered for funding. Available funding is distributed among the ranked applicants until exhausted. The Program of Projects incorporates the ranked applicants which can be funded within available funding constraints.

### **6.2 Timetable for State Application Process**

The following chronology describes Louisiana's Section 5310 project timetable.

1. Preparation of news release and letters of announcement to existing Section 5310 recipients and other interested parties. Minority organizations are encouraged to apply and DOTD assistance is available upon request. (late Summer/early Fall).
2. Applications mailed to interested applicant organizations (mid September).
3. Application procedures workshop at Annual State Public Transportation Conference (Fall).
4. Notification from FTA of funds availability (Winter).
5. Application submission deadline (February 1).
6. New Applicants Site Visits (February)
7. Evaluation and ranking of applicants by Review Committee (March).
8. Preparation of consolidated State Application and submission for FTA approval (April 1).
9. Approval/disapproval notification to applicants (mid April).
10. Preparation of contracts (April-May).

11. Requests for local match/contract execution/board resolutions (May-June).
12. FTA review and approval process and notification to DOTD (60 - 90 days).
13. Receipt of local match/contracts (July 1).
14. MPO notification of area agencies being funded (June).
15. Equipment specifications issued, checked and forwarded to the Division of Administration (July-September).
16. Bid advertisement (45 days).
17. Bid awarded to vendor and purchase orders prepared (mid December).
18. Division of Administration contacts 5310 Program Manager; purchase orders approved (mid December).
19. Time allowed for vehicle to be manufactured (90 - 150 days).
20. Vehicles delivered to DOTD and inspected (May- July).
21. Vehicles issued to recipients; Department of Public Safety and Corrections forms signed by recipient, appropriate taxes and fees collected, insurance binder received verifying insurance coverage on vehicle (June- August).
22. Report training (June- August).
23. Monthly reporting (ongoing).

During the application development process, applicants should adhere to the following:

- 1) Applicants in urbanized areas should notify Metropolitan Planning Organizations of their intent to apply for Section 5310 funds by October/November.
- 2) Private Non-profit agencies and Public Bodies must publish first public notice of their intent to apply for Section 5310 funds by October /November. Private Non-profit agencies and Public Bodies must publish second public notice 15 days after the 1<sup>st</sup> Public Notice. Public body applicants must issue a notice for opportunity for a public hearing (recommended November); a written request for a public hearing must be made within fifteen days following publication of the notice; the public hearing must be held prior to the February 1st application deadline if someone with a significant economic, social, or environmental interest in the matter requests a hearing.
- 3) Applicant's authorized representative should sign all project assurances and applicant's board should execute an authorizing resolution by November 30.
- 4) If applicable, applicant should enter into Interagency Agreements by November 30.
- 5) If applicable, applicant should resolve conflicts that may have developed as a result of the public notices by November 30.
- 6) Applicants in urbanized areas should submit completed draft application to respective Metropolitan Planning Organization for review by December 1. (A response from the MPO must be included in the application submitted to DOTD.)



- 7) If application is submitted by January 4, DOTD's Public Transportation Section will conduct a preliminary review to determine completeness and will allow the applicant to correct problems and return the completed application to DOTD by February 1.
- 8) The completed application must be received by DOTD's Public Transportation Section by February 1 or application will be disqualified.

### 6.3 Instructions for Preparation of an Application

The Louisiana Department of Transportation and Development has a document entitled Section 5310 Application Procedures Manual (Appendix A). This document which is subject to annual update is available at no charge to interested parties upon request. The instructions in the manual were developed by DOTD to assist agencies in completing the application form and to assure understanding of program compliance and requirements. The application form is contained in a packet separate from the manual and is also available at no charge to interested parties upon request (Appendix B). A 5310 Application Workshop (free of charge) is conducted each year at the Annual State Public Transportation Conference. Assistance in completing applications is also provided upon agency request.

The information required from the applicant is intended to justify the request for funding. It is used by the Review Committee to evaluate, score and rank all projects. The application information is also used by DOTD's Public Transportation Section to complete the State of Louisiana's Section 5310 grant application to the Federal Transit Administration.

Organizations located in urbanized areas must contact the appropriate metropolitan planning organization (MPO) prior to making application to DOTD. MPO's are required by FTA to develop plans that meet the special transportation needs of the elderly individuals and individuals with disabilities within their respective areas. Local applicants must verify that their proposed project is consistent with these plans and secure documented approval.

In addition, applicants should make every effort to utilize and coordinate proposed projects with existing transit and paratransit operators.

MPO's in cooperation with local elected officials develop a Transportation Improvement Program (TIP). That portion of the TIP to be undertaken in the next fiscal year is the Annual Element. Projects to be funded by Section 5310 must be included in the Annual Element for current year funding from DOTD.

In order to receive funding, Section 5310 projects must be included in the statewide Transportation Improvement Program (STIP) which is prepared by the DOTD.

#### 6.4 Transfer of Section 5310 Funds to Section 5311 or Section 5307 Programs or from the Surface Transportation Program

Within 90 days of the end of the Federal fiscal year, Section 5310 funds shall be available to the Governor for transfer to supplement funds apportioned to the state under Section 5311(c) for nonurbanized areas, or Section 5336(a)(1) for urbanized areas under 200,000 population. Section 5333(b) certification requirements apply as appropriate for the program to which funds are transferred. The period of availability for the transferred funds is that of the receiving program: The fiscal year in which funds are transferred plus two years in the case of Section 5311 and the fiscal year in which funds are transferred plus three in the case of Section 5307. Section 5310 funds transferred to either Section 5311 or Section 5307 may only be used for non-operating costs, and do not change the amount available for state administration under either Section 5310 or the receiving programs.

Surface Transportation Program (STP) funds, and certain other highway funds, may be transferred to Section 5310 for programming by the state. Transferred funds will be treated under the program requirements applicable to Section 5310. The period of availability of the funds is one year for obligation by the state under the Section 5310 program. The DOTD must notify the FTA Regional Administrator of each transfer of funds. The notification must include the amount of funds transferred and the program to which they are being transferred.

## 7. COORDINATION

### 7.1 State Level Coordination

The Department of Transportation and Development actively fosters state level coordination initiatives. These initiatives are manifest in the Review Committee and other inter-agency committees.

Comprehensive state level coordination is executed on a regular basis through the Review Committee. Major federal programs used to fund public transit within Louisiana are administered by or funded through the following state agencies:

- the Governor's Office of Elderly Affairs;
- the Department of Social Services;
- the Department of Health and Hospitals;
- the Louisiana Workforce Commission ;
- the Governor's Office of Disability Affairs; and
- the Louisiana Department of Transportation and Development.

These state agencies are responsible for the management and administration of programs whose clients are likely to include elderly individuals and individuals with disabilities. All of these agencies are represented on the Review Committee where each agency delegate has an opportunity to identify coordination issues and opportunities. The DOTD relies on the diversity of programs and groups represented on the Review Committee to assist in coordination of available resources and services and to ensure maximum feasible coordination of transportation services under Section 5310 with transportation services assisted by other Federal sources.

The Department of Transportation and Development coordinates Section 5310 funding for programmatic or public transportation operations and has develop a Statewide Human Services Transportation Plan and is involved in regional coordination plans. DOTD also provides coordination workshops charged with the responsibility to enhance coordination of transportation services at the regional level. Specific efforts to coordination have been undertaken through DOTD, the MPOs and local public and private transportation providers by having quarterly regional human services transportation plan meetings. Included in these meetings are all State Human Services Agencies like DSS, DHH, LWC, GOEA and GODA, etc.

## 7.2 State Efforts to Encourage and Enhance Project Level Coordination

Coordination potential is enhanced through the DOTD application process which requires applicants to notify other transportation service providers and to publish public notices about the intent and description of the proposed project. Such contacts with all parties interested in or involved with the provision of transportation services foster opportunities to coordinate resources and services. DOTD's application procedures require applicants in urbanized areas to contact and coordinate efforts through metropolitan planning organizations.

DOTD's application procedures also require applicants in rural areas to contact and coordinate efforts through the Rural Public Transit Systems. The DOTD requires Transit systems applying for 5310 funds to notify the designated Coordinated Rural Public Transit System in their area.

New requirements under SAFETEA-LU require projects selected for funding be derived from a coordinated public transit-human services transportation plan. Beginning in FY 2007, applicants funded under the Section 5310 program must participate in the local planning process for the coordinated public transit-human service transportation plan. DOTD has developed a Statewide Coordinated Plan that specifically includes the locally developed plans that were created by the eight regional coordination planning committees (MPO and/or RPC) in the state.

Section 5310 applicants are required to notify the appropriate regional coordination planning committees by letter to ensure the proposed project is included in the local coordinated plan. The regional coordination planning committees must certify to DOTD that the proposed project is included in the local coordinated public transit-human service transportation plan.

## **8. PRIVATE SECTOR PARTICIPATION**

Section 5323(a)(1) requires that FTA-funded projects provide for the participation of private mass transportation companies to the maximum extent feasible. The statewide and MPO planning processes will address private sector concerns. Additionally, the Louisiana Department of Transportation and Development requires potential applicants to publish two public notices in 15 day intervals.

## 9. CIVIL RIGHTS REQUIREMENTS

DOTD Public Transportation Section is responsible for complying with civil rights requirements and for monitoring compliance by subrecipients of Section 5310 funding. Compliance with the requirements listed below is monitored as part of the Annual Compliance Review questionnaire and through periodic on-site visits to the recipient agency.

### 9.1 Nondiscrimination in Federal Transit Programs

DOTD Public Transportation Section's policy is that an applicant shall not, on the basis of race, color, creed, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Section 5310 program, as required by the provisions of 49 U.S.C. § 5332, which also prohibits discrimination in employment and business opportunity.

### 9.2 Nondiscrimination -- Title VI of the Civil Rights Act

DOTD Public Transportation Section's policy is that no person shall, on the basis of race, color, creed, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, as required by Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq., and U.S. DOT regulations, 49 C.F.R. Part 21 and FTA implementing requirements. Louisiana's application process assures the equitable distribution of funds among all groups within the State.

Local recipients are required to maintain and make available upon request the following:

1. a concise description of any active lawsuits or complaints alleging discrimination in service delivery filed against the recipient within the past year together with a statement of status or outcome of each such complaint or lawsuit,
2. a summary of all civil rights compliance review activities conducted in the last three years, and
3. an analysis of any environmental and or social economic impacts as the result of proposed construction projects, including the impact on minority communities. This information is required only for those projects which do not qualify as a categorical exclusion in the environmental process.

In order for FTA and DOTD to assess compliance requirements, applicants must provide the following information in their Application (Appendix B):

1. A description of special efforts made to address the transportation needs of minority clients if the proposed project is approved for funding.
2. The average number of passengers by race served daily.

Additionally, each applicant must provide the total population of the service area, the percentage which is minority, a map of the service area which shows routes and distribution of minority groups, and the estimation of beneficiaries served by minority group category.

Each applicant is required to sign the Nondiscrimination Assurance as part of the Section 5310 Application.

### 9.3 Equal Employment Opportunity (EEO)

The DOTD Public Transportation Section is responsible for both its own compliance and for assuring FTA that all local recipients are in compliance with FTA's Equal Employment Opportunity (EEO) objectives as detailed in FTA Circular 4702.1. If the state or any subrecipient meets the threshold specified in the circular it will submit an EEO program to the Federal Highway Administration. The recipients agree as part of their contract that they will comply with all listed regulations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, and 49 U.S.C. §5332 and any implementing requirements FTA may issue.

Local recipients with 50 or more employees or which have received capital or operating grants in excess of \$1,000,000 (or \$250,000 in technical study grants) are required to submit an Equal Employment Opportunity (EEO) program to the state.

### 9.4 Disadvantaged Business Enterprise Requirements (DBE)

It is DOTD Public Transportation Section's policy that state and local recipients of Section 5310 assistance will take necessary and reasonable steps to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts in accordance with Section 1101(b) of TEA-21, 23 U.S.C. § 101 note, and U.S. DOT regulations, 49 C.F.R. Part 26. Recipients of Section 5310 capital assistance are obligated under contract with DOTD to make all necessary and reasonable efforts to use DBE firms. These activities are monitored annually as part of the Annual Compliance Review questionnaire and it is stressed during site visits.

- X      Annually, the DOTD Public Transportation Section will submit a statewide DBE program covering all funds received from FTA including Section 5310. On a semi-annual basis, the DOTD Public

Transportation Section will submit a report that documents its efforts to meet the goals in the statewide DBE program.

9.5 Nondiscrimination on the Basis of Sex

DOTD Public Transportation Section's policy is that no person shall, on the basis of sex, be discriminated against in Education Programs or Activities Receiving Federal Financial Assistance, in accordance with requirements of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1682 et seq. and U.S. DOT regulations, 49 C.F.R. Part 25 and FTA implementing regulations.

9.6 Nondiscrimination on the Basis of Age

DOTD Public Transportation Section's policy is that all applicants assure compliance with the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 et seq., and implementing regulations, which prohibit employment and other discrimination against individuals on the basis of age.

9.7 Access Requirements for Persons with Disabilities

DOTD Public Transportation Section's policy is that all Section 5310 recipients provide assurance that it complies with the provisions of 49 U.S.C. § 5301(d), which sets forth Federal policy that elderly individuals and individuals with disabilities have the same right as other persons to use transit services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. Recipients also agree to comply with all applicable requirements of the following Federal regulations: Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794, which prohibits discrimination on the basis of handicap, the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires accessible facilities and services to be made available to persons with disabilities, and the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to persons with disabilities.

Additionally, Section 5310 recipients must comply with 49 CFR Parts 27, 37, and 38; 28 C.F.R. Parts 35 and 36; 41 C.F.R. Subpart 101-19; 29 C.F.R. Part 1630; 47 C.F.R. Part 64, Subpart F; 36 C.F.R. Parts 1192 and 1194; 49 C.F.R. Part 609 and other FTA regulations, implementing the ADA and amending the Section 504 rule. Among other requirements, the regulations: prohibit discrimination against individuals with disabilities; require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities, or a demonstration of inability to obtain an accessible vehicle



despite good faith efforts to do so; and require that public entities operating fixed route transit plan for and provide complementary paratransit for individuals with disabilities who cannot use accessible fixed route transit.

The DOTD Public Transportation Section requires local recipient action on the Certification of Nondiscrimination on the Basis of Disability. This certification gives assurance that the recipient will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations. Local recipient action is also necessary on the Section 504/ADA Compliance requirements. In order for FTA and DOTD to assess compliance requirements, applicants must provide the following information on the form included in the Application (Appendix B):

1. A description of recipient's plans to provide transit services for disabled persons in their service area.
2. The percentage of service area population which requires wheelchair accessible vehicles.
3. The percentage of the recipient's fleet which is currently wheelchair accessible.

The DOTD Public Transportation Section will require that recipients which are public entities operating fixed route transit must plan for and provide complementary paratransit for individuals with disabilities who cannot use accessible fixed route transit. At the present time, all nonurbanized transportation is demand response and, therefore provides equivalent service.

Through the DOTD procurement and reporting process, it monitors all vehicles acquired with Section 5310 funds, ensuring that they are equipped, maintained, and operated in accordance with the regulation and that service provided does not discriminate against individuals with disabilities.

In addition, recipients of any FTA funds should be aware that they also have responsibilities under other provisions of ADA in the areas of employment, public accommodations, and telecommunications.

A Pre-Trip Inspection Sheet which includes a comprehensive daily maintenance checklist for vehicles with lifts, a lubrication diagram chart for lifts, and maintenance/lubrication schedule is supplied to all Section 5310 agencies.

#### 9.8 Drug or Alcohol Abuse – Confidentiality and Other Civil Rights Protections

DOTD Public Transportation Section's policy is that recipients comply with the confidentiality and any other civil rights protections of the Drug Abuse

Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1174 et seq., with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4581 et seq., and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd-3 and 290ee-3, and subsequent amendments to these acts. For information on drug-free workplace and drug and alcohol testing requirements, refer to Chapter 11, Other Provisions.

#### 9.9 Access to Services for Persons with Limited English Proficiency

DOTD Public Transportation Section's policy is that recipients comply with Executive Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency; 42 U.S.C. § 2000d-1 note, and U.S. DOT Notice, "DOTD Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries"; 66 Fed. Reg. 6733 et seq.

#### 9.10 Environmental Justice

DOTD Public Transportation Section's policy is that recipients comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"; 42 U.S.C. § 4321 note.

#### 9.11 Other Nondiscrimination Statutes

DOTD Public Transportation Section's policy is that recipients comply with all applicable requirements of any other nondiscrimination statute(s) that may apply to the Project.

## **10. REQUIRED ONE TIME SUBMISSIONS**

The Louisiana DOTD has placed on file with FTA the required "Standard Assurance for Federal Transit Administration Applicants." This statement assures FTA that the state and local recipients will comply with the laws and regulations cited therein to the extent that they may apply to the grant project. Annually the DOTD submits a statement of continuing validity of the standard assurances as described in FTA Circular 9100.1B.

## 11. OTHER PROVISIONS

### 11.1 Environmental Protection

The vehicles and other related equipment routinely purchased under the Section 5310 program are considered categorical exclusions from FTA's requirements to prepare environmental documentation. If a question should arise about an unusual project proposed, the DOTD Transit Section will consult with the FTA Regional office regarding environmental requirements.

The Clean Air Act Amendments of 1990 establish many new substantive requirements in order to bring air quality regions which currently violate the National Ambient Air Quality Standards into attainment by prescribed dates. All Section 5310 projects must be found to conform with approved State (air quality) Implementation Plans (SIP's) before they can be funded by FHWA or FTA. This review and approval will be made by the MPOs.

The Louisiana DOTD, Public Transportation Section will screen potential projects when they are first identified to make an initial determination as to which projects clearly meet the FHWA/FTA criteria for categorical exclusions and which projects may require additional documentation or approval.

### 11.2 Buy America Provisions

The Louisiana Department of Transportation and Development, Public Transportation Section, requires vendors as part of the procurement process to attest compliance with Buy America Certification on all purchases over \$100,000. DOTD incorporates the Buy America requirement in all contracts and purchase orders over \$100,000 funded under a FTA grant in accordance with Circular 4220.1C, "Third Party Contracting Guidelines". The vendor agrees as a condition of receiving federal financial assistance as authorized under Section 5310 of the United States Code to comply with the Buy America requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987, the Intermodal Surface Transportation Efficiency Act of 1991 and FTA regulations at 49 CFR parts 660 and 661, and any guidance issued by FTA. The Louisiana Department of Transportation and Development's Buy America compliance assurance is part of the annual application to FTA.

### 11.3 Pre-award and Post-delivery Audits

The Louisiana DOTD, Public Transportation Section requires pre-award audits for both Buy America and bid specification requirements. As a

portion of the pre-award process, a certification of Federal Motor Vehicle Safety Standards (FMVSS) is also required.

Prior to signing a contract with the vehicle manufacturer for the purchase of vehicles, DOTD conducts the pre-award Buy America audit for purchases over \$100,000. In completing the pre-award Buy America audit, the Public Transportation Section reviews documentation from the manufacturer as to the cost of the vehicle's major components and primary sub-components, their country of origin, the location of final assembly, and any activities that will take place at the location. Cost information is used to ascertain whether a vehicle meets the Buy America requirement that 60 percent of the vehicle's components be domestically produced. Once DOTD is satisfied that compliance has occurred, certification is completed. This certification is retained in DOTD's files. The vehicle manufacturer must submit either a letter from FTA that waives the Buy America requirement or an assurance that the vehicle meets section 165(a) or (b)(3) of the Surface Transportation Assistance Act (Appendix B) of 1982 as amended. This must include:

- a. A listing of component and sub-component parts identified by manufacturer's name and address, country of origin, and cost.
- b. The location of final assembly and a description of the activities that will take place during final assembly, including the cost of final assembly.

The Public Transportation Section also conducts a pre-award Bid Specification Audit. In this audit the DOTD staff reviews the information provided by the vehicle manufacturer concerning the vehicles proposed for purchase. A certification is made that these vehicle(s) are the same vehicle(s) described in the bid specifications used for this solicitation. It also assures that the manufacturer (by name) is a responsible manufacturer with the capability to produce the specified product. An on-site inspector will monitor the manufacture of the vehicles should eleven or more be purchased by one recipient. (This rule applies only to modified vehicles.) Should this occur, the inspector will prepare a report about the experience and certify his on-site inspection.

As a part of the bid package, DOTD requires that the vehicle manufacturer submit a certification that the vehicles are subject to Federal Motor Vehicle Safety Standards (FMVSS) issued by the National Highway Traffic Safety Administration (NHTSA) in 49 CFR Part 571. The manufacturer's self-certification information is kept on file by DOTD. If a vehicle purchased is not subject to FMVSS standards, DOTD keeps, on file, a certification from the manufacturer that the vehicle is not subject to those standards.

Upon receipt of vehicles ordered, DOTD will conduct a post-delivery audit for Buy America, Bid Specifications, and Federal Motor Vehicle Safety

Standards. In the Buy America post-delivery audit, DOTD certifies that the Buy America regulations (after change orders, etc.) are still being met. In this audit DOTD reviews specific cost information supplied by the manufacturer for compliance.

The post-delivery audit of Bid Specifications is conducted by DOTD personnel to determine if the vehicles meet contract specifications and to assure that the vehicles received are free from defects. A road test and visual inspection are completed.

For the procurement of eleven or more vehicles, DOTD will certify that a resident inspector was on site throughout the manufacturing period and monitored the manufacture of the vehicles. A report will be prepared by the inspector including the following information:

- a. accurate records of all vehicle construction activities
- b. a discussion of how the construction and operation of the vehicle(s) fulfills the contract specifications
- c. after road testing and visually inspecting the vehicle(s), certification that the vehicle(s) meets contract specifications.

DOTD will maintain on file the manufacturer's self-certification regarding compliance with FMVSS standards issued by National Highway Traffic Safety Administration (NHTSA) in part 571. If the vehicle is not subject to FMVSS standards DOTD will keep on file the certification from the manufacturer that the vehicle is not subject to those standards.

If DOTD cannot certify Buy America or bid specification compliance, the vehicle(s) may be rejected and final acceptance will not be required. DOTD and the manufacturer may agree to a conditional acceptance of the vehicle(s) pending a correction of the deviations within a reasonable period of time.

#### 11.4 Commercial Driver's Licenses

The Louisiana DOTD requires that all drivers of vehicles designed to transport more than 15 persons (including the driver), purchased under the Section 5310 program, must have a Commercial Driver's License (CDL). Mechanics who drive the vehicles must also have a CDL.

Recipients are required to properly screen and train drivers involved in passenger transportation. It is recommended that, at a minimum, the grantee require a check of the driving record (7 year history), appropriate and proper driver's license, and First Aid/CPR training. It is recommended that all drivers take Defensive Driver Course Training. The DOTD sponsors this training periodically; however, it is the responsibility of the agency to insure that their drivers are adequately trained.

#### 11.5 Restrictions on Lobbying

Annually the Secretary of the Louisiana Department of Transportation and Development submits a Certification of Restrictions on Lobbying to the FTA with the consolidated application. This certification attests that:

- a. No Federal appropriated funds have been paid or will be paid by the DOTD to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress or the Louisiana State Legislature, an officer or employee of Congress or the Louisiana State Legislature, or an employee of a Member of Congress or the Louisiana State Legislature in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress or the Louisiana State Legislature, an officer or employee of Congress or the Louisiana State Legislature, or an employee of a Member of Congress or the Louisiana State Legislature in connection with this Federal contract, grant, loan, or cooperative agreement, the DOTD will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c. DOTD shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
- d. Applicants for Section 5310 for funding in excess of \$100,000 are required as part of the application to certify compliance with lobbying restrictions.

#### 11.6 Drug-free Workplace Requirements

The Louisiana Department of Transportation and Development submits annually to FTA a Drug-Free Workplace Act Certification, pursuant to 41 U.S.C §702, as implemented by 49 C.F.R. §§29.600 et seq. This certification is submitted on behalf of all sections within DOTD who receive federal funds through grants. DOTD certifies that it will continue to provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in a DOTD workplace is prohibited and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing an ongoing drug-free awareness program.

- c. Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (a).
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant or cooperative agreement, the employee will abide by the terms of the statement and notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- e. Notifying the Federal sponsoring agency in writing within ten calendar days after receiving notice under paragraph (d), from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 calendar days of receipt of the notice, with respect to any employee so convicted:
  - 1. Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - 2. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

#### 11.7 Drug and Alcohol Testing Requirements

The Louisiana DOTD requires all drivers of vehicles designed to transport more than 15 persons (including the driver), to be drug and alcohol tested in accordance with 49 CFR Part 382 and Part 40. It is the responsibility of the local recipient to assure that their CDL drivers are in compliance with these regulations. The DOTD will act in an advisory capacity in order to keep them abreast of changes in the regulations and to offer technical assistance where needed.

#### 11.8 Safety & Security

Section 5310 Applicants are required to have Safety and Security Plans. FTA's authority in the area of transit safety is set forth in 49 U.S.C. 5329. Under this Section, FTA may conduct investigations into safety hazards and security risks associated with a condition in equipment, a facility, or an operation financed under Chapter 53 in order to establish the nature and extent of the condition and how to eliminate, mitigate, or correct the safety hazard and/or security risk. FTA may also require local jurisdictions to submit a plan for eliminating, mitigating, or correcting the deficiency. Finally, FTA may withhold further financial assistance from any grantee that fails to correct any safety and security deficiency.

FTA has entered into a Memorandum of Understanding with the American



Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA) and the Community Transportation Association of America (CTAA) that supports the transit industry and Federal commitment to bus safety, and supports a model bus safety program to which all the signatories of this agreement have agreed to subscribe. The program will also focus on addressing the needs of rural and small urban providers.

## 11.9 Charter Bus Regulation

Subrecipients of Section 5310 federally funded vehicles are prohibited from providing charter bus service. Subrecipients agree to not compete with charter operators in their grant contract. Subrecipients are required to submit a service design of their operations including geographic area served and hours of operation. The state monitors charter operations during yearly site visits. For additional guidance subrecipients are referred to FTA Charter Regulations and the FTA Charter Registration Website.

## 11.10 Program Measures

### Gaps in Service Filled

LA DOTD requires subrecipients to report on service provided each quarter for each Section 5310 grant vehicle. The quarterly report requests information on actual rides provided to elderly persons and persons with disabilities. The report delineates a separate count for elderly persons and persons with disabilities.

### Ridership

LA DOTD requires subrecipients to report on transportation provided each month for each Section 5310 grant vehicle. The monthly report requests information in aggregate on actual one way trips provided to elderly persons and persons with disabilities.

### Annual Program of Projects Status Reports

The state submits to FTA a program status report for each active grant by October 31 each year that covers the 12 month period ending September 30. The report, which includes an updated Program of Projects (POP), is submitted electronically in TEAM.

LA DOTD maintains records of all Section 5310 grant vehicle reports in the Public Transportation Vehicle inventory database.

## 12. STATE PROGRAM MANAGEMENT

### 12.1 Procurement

#### Equipment

After notification of approval of the state's consolidated application by FTA, the procurement process begins. DOTD forwards the bid request package which documents quantities and specifications to the Division of Administration for handling. The Division of Administration manages acquisitions through its established bidding and centralized purchasing procedures. This allows optimum use of available program funding since the vehicles and other equipment are obtained in volume at one time.

The DOTD has developed standard specifications for vehicles and other equipment most often requested by applicant organizations. Each applicant should select the equipment and/or vehicle(s) most appropriate to meet the specific needs of its present and potential ridership and the requirements of the Americans with Disabilities Act of 1990 as amended. Requests for vehicles other than the standard selections must be accompanied with specifications including diagrams and seating arrangements.

### 12.2 Financial Management

The Louisiana DOTD expends and accounts for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures for DOTD, subgrantees and cost-type contractors is sufficient to:

1. Permit preparation of reports described in FTA Circular 9070.1F and reports necessary to comply with other program and statutory requirements, and
2. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to the program.

The Louisiana DOTD uses the ECHO (Electronic Clearinghouse Operation) system to transfer payments from FTA. In so doing the state has agreed to comply with the ECHO requirements contained in the Department of the Treasury Regulations, 31 C.F.R. Part 205, "Rules and Procedures for Funds Transfers," and as established by the "Guidelines for Disbursements" set forth in FTA's ECHO System Operations Manual.

The Louisiana DOTD retains financial records, supporting documentation, and all other records pertinent to a grant for a period of three years. These records are readily available for inspection to the U.S. Department of Transportation or the Comptroller General of the United States. If any

litigation, claim or audit is started before the expiration of the three year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved. The eligibility of any ADA or Clean Air Act projects for which the increased Federal Share is claimed will be adequately documented.

### 12.3 Property Management and Disposition

Recipients of property (vehicles and other equipment) are required to enter into a contract (Appendix E) with DOTD and adhere to management and disposition procedures as specified in DOTD's Section 5310 Agency Administrative Handbook (Appendix F). Useful life criteria are included in this information as well as a Vehicle Disposition Form.

DOTD maintains a lien on all property acquired through the expenditure of Section 5310 funds. Vehicles are titled by DOTD in the name of the applicant. The face of each vehicle title is clearly marked to indicate that the vehicle was obtained with the use of federal funds and is not to be sold without the consent of the lien holder.

Insurance must be maintained in an adequate amount to protect persons, equipment and facilities throughout the life of the vehicle. At a minimum the federal share of the equipment must be protected by insurance. DOTD requires proof of insurance on all equipment prior to awarding equipment to the recipient and annually thereafter until the equipment is disposed in accordance with DOTD criteria. Failure to maintain required insurance is in violation of the Project Agreement which is executed by DOTD with the recipient. Under the Project Agreement the recipient must agree to "hold harmless" DOTD from any claims for liens for labor, services or material furnished to the recipient.

A physical inventory of all property shall be taken by DOTD and results reconciled with the property records at least once every two years. This inventory procedure is performed by DOTD District personnel and is usually performed between the months of May and October every even numbered year. Any differences between quantities determined by the physical inspection and those shown in accounting records shall be investigated to determine the causes of the differences. The DOTD shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property. The agency will be notified in advance of these inventory procedures. Vehicles must be available for inspection upon notification.

The loss, damage or theft of an FTA funded vehicle must be verbally reported to DOTD immediately following an incident. A follow up letter of explanation must then be forwarded to the DOTD Public Transportation Section as soon as practicable, with support documentation included.

Instructions for use of insurance proceeds are included in the Section 5310 Agency Administrative Handbook.

Vehicles and equipment which are no longer serviceable are disposed by DOTD or by the recipient with prior DOTD approval. All proceeds from the sale of any FTA vehicle must be used for mass transit purposes.

#### 12.4 Vehicle Use

Vehicles acquired under the Section 5310 program may be used only in the following ways:

- a. By the applicant private nonprofit organization or public body as described in its application;
- b. By the applicant private nonprofit organization or public body in coordinated services for elderly and/or disabled individuals. It is understood that, at a minimum, the service which was proposed by the organization in its grant application to the state will be provided and that the originally designated clientele will be served; and
- c. By a private for-profit operator, by lease or other contractual agreement with the applicant organization to provide the services identified in the grant application.

When vehicles or other equipment are operated by any agent other than the applicant organization in the grant application, control and responsibility for the operation of the vehicles or other equipment must remain with the original recipient unless transfer of the control and responsibility is to another eligible organization that has been authorized by DOTD.

As long as the grant related purposes of Section 5310 funded vehicles are being met, such vehicles shall be available to provide transportation service to other elderly individuals and individuals with disabilities. These vehicles may also serve the transportation needs of the general public on an incidental basis if such service does not interfere with transportation service designed to meet the special needs of elderly individuals and individuals with disabilities.

#### Meal Delivery Service

Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services for homebound persons if the meal delivery services do not conflict with provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase

specialized equipment such as racks or heating or refrigeration units related to meal delivery. Mileage exclusively accrued for meal delivery does not apply to the useful equipment life criteria.

#### Vehicle Leasing

Vehicles acquired under the Section 5310 program may be leased to other entities such as local public bodies or agencies, other private nonprofit agencies, or private for-profit operators. Under such a lease, the lessee operates the vehicles on behalf of the Section 5310 recipient and provides transportation to the recipient's clientele as described in the grant application. Other uses of the vehicle are permitted only as long as such uses do not interfere with service to the elderly and disabled. DOTD must approve all lease agreements to ensure compliance with regulations.

#### School Bus Operations

Vehicles purchased with Section 5310 funds cannot be used exclusively for school bus operations for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients may not use federally funded equipment, vehicles, or facilities.

### 12.5 Maintenance

Section 5310 recipients are required to submit a certification with their application that all equipment purchased through this program will be maintained in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. Failure to maintain this equipment as certified may preclude additional FTA assistance to that recipient.

All equipment is to be properly maintained by the recipient. A Vehicle Maintenance/Expense Record is to be submitted for each vehicle monthly. Vehicles are to be maintained in accordance with schedules recommended by manufacturers. A Preventive Maintenance Checklist and a Pre-Trip Daily Vehicle Inspection form are provided to each recipient at the time that they receive the vehicle. These are provided to serve as a guide but do not supersede the manufacturer's recommended maintenance schedule.

Biennial equipment inspections by qualified DOTD personnel are also conducted. Following each inspection, a written notice of defects observed is given to the recipient. The recipient has 60 days to repair the defects observed and to forward evidence of repairs to DOTD.

## Procedures for sub recipients to file warranty claims on FTA vehicles

Any subrecipient that is experiencing mechanical problems on an FTA vehicle under manufacturer's warranty, must contact the vendor that produced the vehicle. The warranty liaison for that vendor will contact a certified dealer in the subrecipient's location. The dealer will contact the subrecipient to schedule a date for repair. The subrecipient will record the repair on the monthly maintenance report to be submitted by 15th of the month to the appropriate program manager.

DOTD will maintain a warranty claims list to ensure warranty repairs were satisfactory, and that the claim was paid in a timely manner. The program manager will follow-up on any unpaid claims until the vendor shows the claim is complete and the file is closed on the claim.

### 12.6 Accounting Systems

Each applicant must sign Project Assurances and Certifications as included in the Application for Section 5310. These assurances will affirm to the State of Louisiana that the applicant has the ability to raise the local matching funds and operating funds, the ability to maintain and operate the equipment and the ability to provide proper amounts of insurance.

### 12.7 Audit

An initial audit is required of all new program applicants in compliance with OMB Circular A-133, revised, "Audits of States, Local Governments, Non-Profit Organizations." Audits may be performed by either certified public accountants or by the Louisiana Legislative Auditor's office. The most recent audit is required. The audit must be submitted with the application for Section 5310 assistance. The recipient shall permit DOTD, FTA or any of their authorized representatives, full access to any books, documents, papers and records relevant to the project. Meetings may be called by the recipient, DOTD, FTA or any other party with a vested interest in the project. Applicants with active vehicles already in the program are not required to submit an audit unless requested by DOTD.

### 12.8 Close-out

DOTD will initiate a project close-out with recipients immediately after all funds are expended and all work activities for the project are completed. Project close-out is initiated by DOTD with FTA immediately after all work activities for the program of projects are completed. A final financial status report (SF-269A), a final budget, and revised program of projects will be submitted to FTA at the time of close-out.

## 12.9 State Procedures for Management or Financial Reviews

DOTD's management and financial review procedures are integrated within each project phase. During the application phase, the financial review is directed to the requested budget information, the source and availability of local match funding, and the availability of funding to operate the requested project. Management review during the application phase is focused on an assessment of past performance and demonstrated capability to properly allocate resources and achieve specified outcomes from the project.

During a project, DOTD's management and financial review continues. The monthly activity reports and on-site inspections provide the primary source of management of their transportation program. The review of monthly activity reports and on-site inspections continues throughout the project life. Upon request of vehicle disposition, DOTD provides procedural supervision.

## 12.10 Project Monitoring and On-site Reviews

DOTD Section 5310 program manager will mail a detailed Annual Compliance Review Questionnaire (Appendix G) to all recipients prior to the beginning of the new fiscal year. A thorough review of these completed forms is conducted by program personnel. DOTD program personnel then schedule site visits for the fiscal year giving top priority to those agencies which appear to be experiencing problems or noncompliance. However, all agencies receive on-site reviews at a minimum of once every three years. The Section 5310 recipients are monitored very closely through the Annual Compliance Review Questionnaire and the reports which are submitted monthly. Any time a problem is detected which cannot be resolved through correspondence or over the phone, an on-site review is scheduled immediately. During the site visits, the program managers consult with recipients on matters of record-keeping, operations, scheduling, and other aspects of their respective programs.

DOTD also has qualified departmental personnel conduct equipment inspections. The purpose of these inspections is to ascertain the condition of vehicles and whether prescribed maintenance is being performed. These inspections are conducted every two years.

## 12.11 State Reporting Requirements and Standards

Monthly activity reports are to be filed by each Section 5310 recipient. Instructions for completing the required reports and sample forms are found in the Section 5310 Agency Administrative Handbook. Monthly activity reports provide data employed to measure various aspects of system performance. The reports to be submitted to DOTD by the 15th of

each month are:

- 1) Monthly Vehicle Trip Summary Log (for each vehicle)
- 2) Vehicle Maintenance/Expense Record (for each vehicle)

DOTD's reporting system is designed to provide data necessary to evaluate and assess programs individually and in aggregate. These data are evaluated to determine productivity and service standards.

DOTD can invoke a formal probationary period for a provider with productivity or service standards which are below average. Failure to improve during the probationary period may result in termination of the agreement between the recipient and DOTD.



APPENDIX A  
APPLICATION PROCEDURES MANUAL

APPENDIX B  
SECTION 5310 APPLICATION

APPENDIX C  
EVALUATION OF APPLICATIONS

APPENDIX D  
SECTION 5310 APPLICATION RANKING

APPENDIX E  
SECTION 5310 CONTRACT

APPENDIX F  
AGENCY ADMINISTRATIVE HANDBOOK

APPENDIX G  
ANNUAL COMPLIANCE REVIEW QUESTIONNAIRE